

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RUSSELL E. FOLK,	)	
	)	
Petitioner,	)	Civil Action No. 03 - 222J
	)	
v.	)	Judge Kim R. Gibson /
	)	Magistrate Judge Lisa Pupo Lenihan
ATTORNEY GENERAL OF THE	)	
COMMONWEALTH OF PA; GEORGE	)	
PATRICK, <i>Superintendent</i> ,	)	
	)	
Respondents.	)	

**ORDER**

The above captioned case was initiated by the filing of a Petition and a Motion to Proceed In Forma Pauperis on October 6, 2003, and was referred to United States Magistrate Judge Ila Jeanne Sensenich for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. The case was transferred to Magistrate Judge Lisa Pupo Lenihan on April 6, 2004.

The magistrate judge's Report and Recommendation (Doc. No. 25), filed on October 24, 2005, recommended that the habeas petition filed pursuant to 28 U.S.C. Section 2254 be dismissed. It was also recommended that a certificate of appealability be denied. The report and recommendation was served on the Petitioner at SCI Houtzdale, P.O. Box 1000, Houtzdale, PA 16698-1000, and on counsel for the Respondents. The parties were advised they were allowed ten (10) days from the date of service to file written objections to the report and recommendation. No objections have been filed. After review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 27<sup>th</sup> day of March, 2006;

**IT IS HEREBY ORDERED** that the habeas petition filed pursuant to 28 U.S.C.

Section 2254 is **DISMISSED**.

**IT IS HEREBY ORDERED** that a certificate of appealability is **DENIED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (Doc. No. 25) of Magistrate Judge Lenihan, dated October 24, 2005, is adopted as the opinion of the court.

Dated: March 27, 2006

By the Court:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

Kim R. Gibson  
United States District Judge

cc: Lisa Pupo Lenihan  
United States Magistrate Judge

Russell E. Folk  
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